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to the communication itself. *Mercer v. State*, 40 Fla. 216; *Scott v. Commonwealth*, 94 Ky. 511. But the greater number of authorities hold that if the letters are not voluntarily delivered by the wife, the privilege does not attach and they are admissible. *State v. Hoyt*, 47 Conn. 540; *Geiger v. State*, 6 Neb. 545. In direct conflict with the principal case is the rule laid down in *People v. Hayes*, 140 N. Y. 484. It was there stated that if a written confidential communication is given to a third party, by the one to whom it is addressed, the protection is waived and it may be treated like any other communication. In Massachusetts it is held, that the privilege of the statute as to confidential communications between husband and wife extends only to private conversations and not to written communications. *Commonwealth v. Caponi*, 155 Mass. 534.

EVIDENCE—TELEPHONE CONVERSATION—ADMISSABILITY.—BARRETT ET AL. V. MAGNER ET AL., 117 N. W. 245 (MINN.).—Where a witness secured telephone connection with the place of business of a party and was told that he was not in but would be called, and soon after another voice answered and a conversation took place similar to a personal conversation between the same parties a few days before, *held*, that such conversation was admissible, even though the identity of the party called to the 'phone was not established by his admission or by a recognition of his voice.

It is an accepted rule that a telephone conversation is admissible in evidence. *Thompson & W. Co. v. Appelby*, 5 Kan. App. 680; *Murphy v. Jack*, 142 N. Y. 215, the fact of its being uncertain and unreliable not excluding it, but merely affecting the weight attached to it. *Shawyer v. Chamberlain*, 13 Ia. 742. But it is always necessary to lay a foundation for the admission of such evidence, by showing the identity of the person answering. *Mo., P. & R. Co. v. Heidenheimer*, 82 Tex. 195. To this end, testimony as to the admission of his identity by the party answering or, as to the recognition of his voice, is considered the proper means. *Gall v. Wolliver*, 103 Ill. App. 71. Where the identification of the office or place of business amounts to an identification of the person, it is a sufficient foundation to show that a connection was secured with such office or place of business. *Guest v. Hannibal & St. J. R. Co.*, 77 Mo. App. 258. *Contra*: *Kimbank v. Ill., C. & E. Co.*, 103 Ill. App. 632.

INNKEEPERS—LIABILITY FOR OFFENSIVE ACTS OF EMPLOYEES.—DE WOLF V. FORD, 112 N. Y. SUPP.—*Held*, that an innkeeper is liable to a guest for the offensive acts of an employee, and that the plaintiff may recover compensatory damages for injuries to her feelings and personal humiliation suffered.

An old English case laid down the rule that an innkeeper is an insurer of the goods and chattels of his guest but not of his person. *Calye's Case*, 8 Coke 32. And in the scarcity of decisions upon this point, a California court has relied upon this case for the common law rule, and has held that an innkeeper is not bound to protect his guests from acts of violence by his servant or other persons, if he does not negligently employ or admit persons of known violent and disorderly propensities who will probably